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SURINAME

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I. LAND AND PEOPLE

A. Land and people

1. Suriname is situated on the north-eastern coast of South America between 2° and 6° N. latitude and 54° and 49° W. longitude. The country is bordered by Guyana to the west, French Guiana to the east and Brazil to the south. The capital is Paramaribo. The total land area amounts to approximately 165,000 km^2, 85 per cent of which is covered by tropical rainforest.

B. History

2. Suriname was, as far back as from 1667, a Dutch colony with a plantation economy, using cheap labourers from Africa, East India and Java (Indonesia). The descendants of these immigrants now compose the majority of the population.

3. In 1954 Suriname was granted internal autonomy, and became fully independent from the Netherlands in November 1975. Before and after independence, coalitions of ethnic political parties took turns in governing. In February 1980 a military coup d'état replaced the civilian government. After seven years of rule, a coalition of the three major ethnic political parties won the general elections in November 1987 and took power. From December 1990 to September 1992, after an unarmed military coup d'état, a military regime was again in power, which organized elections that were won by the same coalition of political parties as in 1987, expanded with the Workers' Party, which had originated from the trade union movement. This coalition has been in power since September 1991.

C. Demography; socio-ethnic composition of the population

4. With respect to the demographic importance of the various population groups in Suriname, it may be stated that no statistical data are available. In this regard reference can be made to the table.

Total population and population per district* 1980, 1985 to 1988

Area District	Km^2	%	Population 1980		Population 1985		Population 1986		Population 1987		Population 1988	
	(Total area)		Total	%	Total	%	Total	%	Total	%	Total	%
Paramaribo	183	0.1	168 628	47.9	185 387	47.9	190 083	47.9	193 977	47.7	195 029	47.7
Wanica	442	0.3	60 199	17.1	66 182	17.1	87 859	17.1	69 249	17.1	69 916	17.1
Saramacca	3 636	2.2	10 561	3.0	11 611	3.0	11 905	3.0	12 149	3.0	12 266	3.0
Coronie	3 902	2.4	2 816	0.8	3 096	0.8	3 175	0.8	3 239	0.8	3 270	0.8
Nickerie	5 353	3.3	32 388	9.2	35 607	9.2	36 509	9.2	31 257	9.2	37 615	9.2
Commewijne	2 353	1.4	20 066	5.7	22 061	5.7	22 620	5.7	23 083	5.7	23 306	5.7
Marowijne	4 627	2.8	15 842	4.5	17 416	4.5	17 859	4.5	18 223	4.5	18 806	4.5
Para	5 393	3.3	11 969	3.4	13 159	3.4	13 492	3.4	13 769	3.4	13 901	3.4
Brokopondo	7 364	4.5	6 689	1.9	7 354	1.9	7 540	1.9	7 694	1.9	7 768	1.9
Sipaliwini	30 567	79.7	22 883	6.5	25 157	6.5	25 794	6.5	26 322	6.5	26 985	6.5
Suriname TOTAL	163 820	100	352 041	100	387 030	100	396 835	100	404 962	100	408 864	100

* The district borders were changed in 1985; due to the changed borders of the districts, the data for 1980 have been calculated.

Source: Demographic Data for Suriname (1988).

5. In this regard the following can be observed:

(a) The total population is unevenly spread over the national territory;

(b) A larger proportion of the population is living in the narrow coastal area of approximately 50 km^2;

(c) Sixty-five per cent of the population (Paramaribo and Wanica) lives on approximately 0.5 per cent of the national territory;

(d) Only 7 per cent of the population (Sipaliwini) lives on 80 per cent of the territory.

6. The population was estimated at 404,301* in 1991. According to 1989 figures, the largest groups of the population are people originating from India (Indians, 37 per cent), mixed people of African origin (Creoles, 31 per cent), from Indonesian origin (Javanese, 14 per cent), descendants from runaway slaves (Bushnegroes, 9 per cent). The original inhabitants, the indigenous Amerindians, comprise 3 per cent of the present population, while other small groups are of Chinese (3 per cent), European, Lebanese and other origin (3 per cent).

7. Some 150,000 Surinamese migrated to the Netherlands in 1975, prior to Independence Day. Since 1975, migration has continued at a slower place and has expanded to other countries, like the United States and the Netherlands Antilles.

D. Economy

8. Until the Second World War, Suriname was a plantation economy. Since the war, the mainstay of the economy has been the production of bauxite. Exports of bauxite, alumina and aluminium have accounted for 70 to 80 per cent of the country's total export and for the bulk of government revenue through a system of export levies and other taxes.

9. Both in the period of internal autonomy (1954-1975) and in the first part of its independence, development activities were also financed by development aid from the Netherlands. In 1983 this flow of development aid was suspended for political reasons. About 40 per cent of this aid is still available today disbursal of which requires both Surinamese and Dutch approval.

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* All figures concerning demography are taken from the census held in 1980. The figures are updated by the General Bureau for Statistics ("ABS").

10. The economy of Suriname is rapidly declining, which is being underlined by the following:

(a) Deficits on the order of 15 per cent of GDP, which are financed by monetary expansion;

(b) The growing imbalance between government revenue and expenditure;

(c) The large volume of the civil service;

(d) The poor performance of most public and parastatal enterprises;

(e) Increasing unemployment.

(f) Rising official consumer price index;

(g) Migration of professionals;

11. In 1993 the Government decided to carry out a structural adjustment programme, based on studies of the consulting firm of Coopers and Lybrand and the Warwick Research Institute.

E. Main characteristics of the country's institutions

12. According to article 52 of the Constitution, Suriname is a political democracy. This article reads as follows: "All political power is vested in the people and shall be exercised in accordance with the Constitution". To accomplish this there is a National Assembly, which is the highest organ of State (art. 55, sect. 2). Members of this Assembly are chosen by the people through general, free and secret elections for a five-year term. The National Assembly has the following powers at its disposal:

(a) The power to decide over all bills submitted to it for approval;

(b) The power to decide by a two-thirds majority on organizing a People's Assembly or a plebescite in the cases provided for by law, or if the National Assembly deems it necessary to do so;

(c) The National Assembly lays down its Rules of Order; these Rules of Order shall be promulgated by a decision of State (art. 71, sects. 1, 2 and 3).

13. The legislative power is exercised jointly by the National Assembly and the Government. The Government, headed by a President, has executive power, which is divided over 16 departments, each headed by a Minister.

14. The judicial power is formed by the President and the Vice-President of the High Court of Justice, the members and the surrogate members of the High Court of Justice, the Attorney-General with the High Court of Justice, and the other members of the Public Prosecutor's Office, and of other judicial functionaries indicated by law (art. 133, sect. 1).

II. Social-economic and cultural indicators

A. Gross domestic product

15. The 1990 GDP was, according to official data (source: the UNDP/ILO report "Suriname: The Challenges to Meet the Social Debt"), Sf. 2,640 million, which is Sf. 6,400 on a per capita basis. According to the official exchange rate of 1990 (US$ 1 = Sf. 1.80), the per capita GDP would be the equivalent of US$ 3,550. When parameters like purchasing power, price developments and traditional trade ratios are taken into account, a more realistic 1990 per capita GDP would be US$ 915 to US$ 1,070 (exchange rate US$ 1 = Sf. 8). In July 1993 the authorities lifted almost all restrictions on a free exchange rate. With these actions the authorities wanted to legalize the parallel exchange market. The regular banks, which were still bound by the old official exchange rate (US$ 1 to Sf. 1.80), got involved in this procedure as well. These actions lifted the exchange rate to a height of US$ 1 = Sf. 60). As a consequence, a further decrease of the per capita GDP was noted.

16. The following table shows GDP for 1988-1990 (the latest figures available, in millions of Suriname guilders:

Year	1988	1989	1990
GDP	2 321.2	2 504.9	2 640.0

Source: Central Bank of Suriname 1993.

B. Inflation and recession

17. Between 1980 and 1985, Suriname was affected by a declining world market demand for bauxite, which caused a reduction of 31 per cent of the bauxite sector export earnings.

The falling terms of trade resulted in a decline of 35 per cent of the main export earnings, causing a reduction of 7.3 per cent of GDP per capita between 1980 and 1983.

Internal activity adjusted in response to the severe external constraints (reduction in the import/GDP coefficient; diminishing of internal consumption). This resulted in a sharp decline of Government revenue. The budget deficit reached an unprecedented height of 12.9 per cent of GDP in 1983, as compared with a deficit of 5.1 per cent in 1982, as a consequence of both the suspension of Dutch development aid in 1983 and the falling income from the bauxite sector. In 1988 the budget deficit reached 21.3 per cent of GDP; in 1989 this percentage was 14.8 per cent.

18. The increasing government deficit was financed by monetary expansion. As a result, the levels of inflation dropped from 7.3 per cent in 1982 to 4.4 per cent in 1983 and 3.7 per cent in 1984. Between 1985 and 1987 GDP per capita dropped by 12 per cent. Recession went together with inflation.

Consumer prices increased by 11 per cent in 1986, 19 per cent in 1986 and 53 per cent in 1987. Real wages decreased by 40 per cent.

19. The situation of inflation and the external in Suriname since 1985 and 1988 respectively are reflected in the following tables:

Inflation

Description	1985	1986	1987	1988	1989	1990	1991	1992*
Primary liquidity mass (million Sf.)	880	1 230	1 562	1 945	2 164	2 251	2 886.1	3 221.1
% inflation (ABS)	10.9	18.7	53.4	7.2	0.8	21.7	26.0	43.6
Parallel exchange rate (Nf.1 in Sf.)	2.00	3.10	5.55	4.95	6.33	8.99	9.69	13.96
% inflation (according to the parallel exchange rate)	33	55	79	-11	28	42	8	44.1

* Tentative data.

External debt (million Sf.)

	1988	1989	1990	1991	1992
External debt	161.5	193.0	267.8	326.4	333.3

Source: Central Bank of Suriname 1993.

C. Employment and unemployment

20. Between 1980 and 1983, there was an increase of 3.5 per cent in the demand for labour in the formal sector. This trend was reversed with a decline between 1983 and 1987, causing a decrease of 8.6 per cent of the number of formal jobs.

21. Between 1980 and 1987, there was a significant shift in the composition of employment. The first was a qualitative shift from the productive sector to the service sector. The share of the productive sector dropped from 40 to 30 per cent, while the increase in the share of the service sector was fully absorbed by the Government. The second shift was one from government agencies and State-owned enterprises to private enterprises. While the former increased its share of employment from 39 to 50 per cent between 1983 and 1987, the number of jobs offered by the private sector showed a decline of 16 per cent in the same period.

22. Unemployment rose from 15 per cent in 1980 to 26 per cent in 1990. Especially in the last few years the situation has worsened, showing a total of 43 per cent for the people actively looking for a job and 58 per cent for female job-seekers between 1987 and 1989. Youth unemployment rose from 29 to 32 per cent between 1986 tn 1987. The increase of female unemployment was from 20 to 26 per cent in the same period. (Source: the UNDP/ILO report).

D. Literacy

23. According to the 1980 census, the literacy rate is as follows:

Male	90.0%
Female	89.5%
Total population	90.8%

Source: Central Bureau for Statistics ("ABS") 1980.

E. Religion

24. The main religions in Suriname are: Christian religion (mainly Roman Catholics and Moravians), 23 per cent; Protestants, 19 per cent; Hindu, 27 per cent; Muslim, 20 per cent; Others, 11 per cent.

F. Population by mother tongue

25. The official language is Dutch (spoken by 79 per cent of the population), Sranan Tongo is the lingua franca of Suriname. Other languages spoken are: Hindi (33 per cent), Javanese (13 per cent) and Chinese; the Amerindians and Bushnegroes have their own languages. Of the foreign languages, English is most widely spoken.

G. Life expectancy

26. The life expectancy for males is 62.3 years and for females 70.2 years. (Source: Central Bureau for Statistics ("ABS") 1980).

H. Infant and maternal mortality

27. The following table shows infant deaths by sex, 1988-1991:

Sex	1988	1989	1990	1991
Total	186	208	208	175
Female	62	91	88	80
Male	120	117	120	95
Unknown	4			

Source: Bureau of Public Health, 1991.

28. Though the mortality rate is only 7 per 1,000, cases of malnourishment, which a decade ago were rare in Suriname, have become more frequent. Of the undernourished children hospitalized in 1987 and 1988, 50 per cent came from Amerindian and Bushnegro refugees.

29. The maternal mortality rate in 1991 was 21 per 10,000 live births (Source: Bureau of Public Health, 1991).

I. Fertility

30. The following table shows the number of live births by age of mother:

(absolute figures)

Age-group mother	1988	1989	1990	1991
10 - 14	57	57	59	216
15 - 19	1 443	1 696	1 581	1 337
20 - 24	3 229	3 410	3 162	3 190
25 - 29	2 501	2 972	2 776	2 498
30 - 34	1 169	1 427	1 357	1 310
35 - 39	429	520	487	450
40 - 44	123	115	110	90
45 - 49	15	17	13	13
unknown	128	-	-	-
Total	9 094	10 214	9 545	9 104

Source: Central Bureau for Statistics ("ABS"), 1991.

J. Population distribution

31. The following table shows the population distribution by age:

Age	% of population (male)	% of population (female)
70+	1.3	1.6
60-69	1.7	1.7
50-59	3.0	3.0
40-49	4.0	4.4
30-39	4.6	5.1
20-29	8.0	8.3
10-19	13.9	13.7
0-9	13.0	12.7

Source: UNDP/ILO report.

32. There is no information available concerning the percentage of people in rural areas.

K. Households headed by women

33. In general, 25 per cent of working women head a household. This number is increasing as a result of the crisis, especially in the rural areas where men have shown a tendency to migrate to the city in order to seek employment, on the one hand, and as a consequence of the internal war on the other hand. A recent survey (1992) found that 54 per cent of families in three rural districts are headed by women; it even found that the rural areas at present hold more female-headed households than urban areas.

L. Marriage and divorce

34. The following table shows the number of marriages by kind (civil or religious):

Kind of marriage	1989	1990	1991
Civil	731	710	746
Hindu	979	794	783
Muslim	478	386	445
TOTAL	2 179	1 890	1 974

35. The following table shows the number of divorces or annulments, by age and sex:

Age	1989				1990				1991			
	Divorces		Annulments		Divorces		Annulments		Divorces		Annulments	
	M	F	M	F	M	F	M	F	M	F	M	F
13-14	-	-	-	-	-	1	-	-	-	-	-	-
15-19	1	21	1	14	4	24	-	14	1	22	1	8
20-24	44	94	25	45	47	153	31	51	71	178	18	49
25-29	136	140	39	41	236	226	53	53	210	224	50	51
30-34	121	108	29	23	180	168	44	32	233	236	55	35
35-39	83	63	25	9	146	116	23	15	185	142	21	15
40-44	57	43	10	6	75	54	10	4	126	105	12	14
45-49	27	25	7	1	54	28	6	3	80	48	10	6
50-54	20	17	4	-	25	11	2	2	49	32	9	2
55-59	13	4	3	6	15	10	4	2	22	14	4	1
60-64	11	3	1	-	5	1	3	-	25	6	2	1
65-69	3	-	1	-	1	-	-	-	3	4	1	1
70-74	1	1	-	-	3	-	-	-	5	-	-	-
75-79	1	-	-	-	1	-	-	-	-	-	-	-
80-84	2	1	-	-	-	-	-	-	1	-	-	-
85 +	-	-	-	-	-	-	-	-	-	-	-	-
UNKNOWN	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL	520	520	145	145	792	792	176	176	1011	1011	183	183

Source: Central Civil Registry Bureau.

III. INSURRECTIONAL MOVEMENTS IN SURINAME

36. In 1986 a group of armed Bushnegroes, who lived near the border with French Guiana in the eastern part of the country, formed the so-called "Jungle Commando" in rebellion against the then existing military regime. Consequences of the fights were that the bauxite and palm oil industries were paralysed and there was a massive displacement of Bushnegroes and Amerindians who fled to French Guiana (about 7,000-10,000 people) and to Paramaribo (about 8,000-10,000).

37. After 1989 three other illegally armed groups were formed in the interior, namely the "Tucayana", the "Angula movement for liberation", the "Mandelas" and the "Koffiemaka". In July 1992, with the establishment of a commission for the advancement of the peace process, a committee was established to act as an intermediary between the Surinamese Government and the illegally armed groups and the negotiations started.

38. These peace negotiations were based on a 14-point agenda, including the following:

(a) Reconstruction and development of the interior;

(b) Restoration of normalcy in the interior;

(c) Representation of the inhabitants of the interior;

(d) Promotion of the spiritual well-being of the inhabitants of the interior;

(e) Land rights;

(f) Restoration of medical and educational facilities;

(g) Water supply and energy.

39. In 1992, a Peace Accord was signed between the civilian Government and all resistance groups of the interior, settling the destruction of weapons, the restoration of the autonomy of the tribal societies, and plans for the socio-economic development of the interior. The Organization of American States (OAS) played an important role in the verification of compliance with this peace agreement. A Peace Committee was installed, which operated as an intermediary between the civilian Government and the former resistance movement.

IV. GENERAL POLITICAL STRUCTURE AT PRESENT

A. Political history of Suriname

40. In 1651, Suriname was a colony of the British. In 1667 the Dutch took possession of the colony. For the development of the plantation-based production system, labourers were brought in by the Dutch from different parts of the world: slaves from Africa, and indentured labourers from the British and Dutch East Indies from 1873 on. The Dutch furthermore encouraged the immigration of Chinese, Portuguese and Lebanese workers.

41. Since the Second World War, the economy of Suriname has been largely based on the production of bauxite, carried out by two multinationals, Alcoa and Shell/Billiton.

42. In 1954, Suriname became a self-governing territory of the Kingdom of the Netherlands. After 20 years of internal autonomy it became a fully independent republic on 25 November 1975. At its independence, a Treaty on Development Cooperation was signed with the Kingdom of the Netherlands, by which the Government of the Netherlands allocated 3.5 billion Dutch guilders for development aid to Suriname.

43. In the pre- and post-independence period a multi-party system of parliamentary democracy was the prevailing political organization, reflecting the ethnic multiplicity of the country. The three major ethnic political parties dominated the political scene until 25 February 1980, when the ruling coalition was overthrown by a military coup d'état by 16 non-commissioned officers. A period of political instability and economic decline followed, with the fall of bauxite prices on the international market, the suspension of Dutch development aid after the killing of 15 critics of the regime, and activities of an armed Bushnegro resistance movement against the regime.

44. In 1985, a Supreme Political Council ("Topberaad") was established, consisting of representatives of both the regime and the traditional political parties, whose main task was the drafting of a new constitution for Suriname. In September 1987, the new Constitution was approved by referendum. In November of the same year, free elections were organized, which re-established the traditional political parties cooperating in the "Front for Democracy and Development" into government, after a victory by 95 per cent of the votes. The Front comprised the Creole party (NPS), the Indian party (VHP) and the Javanese party (KTPI).

45. A second non-violent military coup d'état took place in December 1990, followed by elections in May 1991. These were again won by the "Nieuw Front", i.e. the Front, expanded with the Workers' Party (SPA), albeit with a smaller majority than in the previous elections.

46. The main opposition parties at present are the National Democratic Party (NDP), which has links with representatives of the regime of 1980-1987, the Democratic Party (DP), a split-off of the NDP, the Democratic Alternative Party '91 (DA'91), a combination of some smaller Creole, Javanese, Indian and independent parties.

B. Organization of the executive, legislative and judicial organs

47. The following paragraphs present an outline of the legal system of the Republic of Suriname.

1. The executive power

48. The sovereign State of Suriname is a Republic. The President of the Republic is chosen by the National Assembly, as is the Vice-President. The President has been attributed strong powers. He is Head of State and Government, paramount commander of the armed forces, and is responsible for foreign relations. The executive power is vested in him and he nominates the Ministers of his Cabinet.

49. According to article 116 of the Constitution, the Government of the Republic is constituted as follows:

1. The President of the Republic;

2. The Vice-President of the Republic;

3. The Council of Ministers.

50. The Vice-President presides over the Council of Ministers ex officio, but he is not a Minister, which means that he is not a member of the Council of Ministers. Article 119 states explicitly that the Council of Ministers is constituted by the Ministers. One of the Ministers can be appointed as Vice-Chairman of the Council of Ministers. In his capacity as Chairman of the Council of Ministers, the Vice-President is accountable to the President of the Republic. Article 119, section 1, explicitly states that the Council of Ministers is the paramount executive and administrative institution of the Government.

51. The President is also accountable to the National Assembly. Article 90 (sect. 2) formulates that the President in his capacity as Head of State and Government (art. 116, sect. 2), Chairman of the State Council and Chairman of the National Security Council, is responsible to the National Assembly (art. 90, sect. 2).

52. The President of the Republic nominates the Ministers. A procedure of consultation should be implemented, while the results of the elections are also taken into account (art. 110, sects. a and e).

53. According to article 74, the National Assembly elects the President and the Vice-President. This article is in concurrence with article 55, which states that "the National Assembly represents the People of the Republic of Suriname and shall express the sovereign will of the nation, and the National Assembly is the highest institution of government.

2. The legislative power

54. Article 70 of the Constitution attributes the legislative powers to the National Assembly, on the one hand, and the government on the other. They are supposed to exercise their powers jointly. The National Assembly shall (art. 71) decide on all bills that are submitted to it for approval. It is within the power of the National Assembly to elect the President as well as the Vice-President (art. 74). This paragraph can be summarized by article 55 of the Constitution which states "The National Assembly is the highest institution of government".

55. Representation of the people takes place on three different levels. The Constitution states (art. 55): "The National Assembly represents the people of the Republic of Suriname and shall express the sovereign will of the nation".

56. The National Assembly consists of 51 members chosen per district on the basis of general, free and secret elections pursuant to the system of proportionate representation by the highest average and preferential votes, for a term of five years. The right to vote (art. 57) is exercised by inhabitants of Suriname, who are nationals of the Republic of Suriname, have reached the age of 18 years and are not deprived of that right by a court order.

57. Persons who have submitted their candidacy for election as representatives to the National Assembly must live in said district and shall have had their main or actual residence there for two years prior to the elections (art. 61).

58. The territory of the Republic has been divided into 10 electoral districts. These districts are subdivided into smaller areas which function as constituencies for the elections of the members of the local representative bodies.

59. The electoral systems effective for the elections are:

(a) For the National Assembly, a proportional representation system by preferential vote;

(b) For the local councils, a majority system (art. 163). The composition of the local councils takes place after general, free and secret elections within the constituency. The order of election of the representatives is determined by the order of personal votes received. All available seats shall be granted. Without prejudice to other legal requirements with regard to eligibility in representative bodies, the candidates for a local council or a district council shall have their main and actual residence in the constituency or district concerned;

(c) For the district councils, a computation system based on the representation of the political parties in the local councils per district (art. 162). The composition of the district council takes place after general, free and secret elections in the different constituencies of the district concerned. The seats on the district council are given to the representative political organizations with seats on the local councils of the district concerned, in proportion with the total number of seats they acquired on the local councils.

60. All meetings of the National Assembly shall be open to the public, except in special cases when it decides to convene behind closed doors (art. 82). The Speaker, the members of the National Assembly, the Government and the experts referred to in article 85, paragraph (2), shall be exempt from criminal prosecution for anything they have said in the Assembly or have submitted to it in writing, except if in so doing they have made public what was said or submitted under obligation of secrecy in a closed meeting (art. 88).

3. The judiciary

61. Justice shall be administered in the Republic of Suriname in the name of the Republic. No act shall be punishable other than by virtue of a previously determined legal rule. Every interference in the investigation or prosecution and in cases pending in court shall be forbidden.

62. These basic rules are laid down in the Constitution. They should be a guarantee for the freedom of citizens, since article 69 of the Constitution decrees that: "The legislator, the Government and the other institutions of government shall adhere to the provisions of the Constitution".

63. In order to facilitate the administration of justice, article 132 of the Constitution decrees that: "Civil and commercial law, civil and military penal law and procedure shall be regulated by law in general codes, without prejudice to the power of the legislature to regulate certain subjects in separate laws".

64. The administration of justice is attributed exclusively to the judiciary. According to article 133, the President and the Vice-President of the Court of Justice, the members and the deputy members of the Court of Justice constitute the judiciary which is charged with the administration of justice. Exceptions to this rule can only be made by law.

65. The Court of Justice is the supreme court. It supervises the regular course and settlement of all lawsuits. This court is also entitled to review the decisions made by the lower courts, called the "Kantongerechten".

66. The independence of the members of the judiciary is explicitly laid down in the Constitution. This is guaranteed by:

(a) Appointment for life, after consultation with the High Court;

(b) Conditions for appointment and financial allowances are established by law;

(c) Discharge only:

(i) At request;

(ii) Upon reaching the age of retirement;

(iii) By the High Court for reasons explicitly given in article 142 of the Constitution.

67. The Constitution decrees that, apart from the High Court and the lower courts, there shall be a Constitutional Court. This court is attributed with the power of verifying laws against the Constitution. Since this power is crucial in the decision-making within the framework of the rule of law, the Constitution states that this power should be regulated by an organic law. This law has not yet been promulgated.

C. The nature of the Constitution

68. The first chapters of the Constitution deal with human rights. Given the extended wording and the classification, it may be stated that special attention was given to human rights in general and their significance and special impact in the constitutional system. An analysis of the chapters shows that the nature of this part of the Constitution is a programmatic one.

69. Implementation, therefore, means answering the following questions:

(a) Who is supposed to implement and who is supposed to refrain from implementing?

(b) Who is supposed to interpret the wording and who is supposed to review the proper interpretation?

(c) Who is supposed to restrict the rights "according to the law", and who is supposed to refrain from any restriction "according to the law"?

70. In classifying the chapter on human rights it may be said that the articles have worded:

(a) The classical or individual human rights based on the principles of natural law;

(b) The social human rights; and

(c) The principles that constitute the institutional framework.

71. Special attention should be given to the sections in chapter VI, where the right to work and the concern of the State for labour have been worded. Attention is not only given to the rights of the workers, but also to the rights of the employers. Chapter II clearly defines that the economic system should be a mixed system of State enterprise and private enterprise closely cooperating together "according to the applicable rules of law". The political order given in chapter IX mentions the political party as a legal phenomenon. Based on the principles laid down in the Constitution, an organic law on political parties has been formulated.

72. Article 23 of the Constitution should be seen as the cornerstone of the legal framework. It states: "In case of war, danger of war, state of siege or state of emergency or for reasons of State security, public order and morality, the rights mentioned in the Constitution may be submitted to limitations by law, which will be in force during a certain time, depending on the circumstances, with due respect for the international rules applicable in that matter.

V. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

73. The judicial authorities which have jurisdiction in respect of human rights are the High Court of Justice, the members or the deputy members of the High Court of Justice, and the other members of the Public Prosecutor's Office, and other judicial officials indicated by law. For example, the decisions of lawsuits not arising from civil law relations may be referred by law to administrative judges.

74. In the Surinamese legal system there is no specific legal provision regarding compensation in cases of human rights violations. Remedies available to persons who claim that their rights have been violated are laid down in the following codes: the Penal Code, the Code of Criminal Procedure, the Civil Code and the Code on Civil Procedure. With regard to the system of compensation and rehabilitation, reference can be made to the general provisions of compensation in case of an unlawful act (Civil Code). If the compensation for victims of human rights violations is considered inadequate, the Government is entitled to make supplementary provisions.

75. Reference is made to chapter VI of the Constitution of the Republic of Suriname. Reference is also made to the relevant provisions of the Surinamese labour legislation, and to the annual reports of Suriname to the Committee of Experts on the Application of ILO Conventions and Recommendations. As concerns the right of secrecy of mail, the recently effectuated Postal Laws supplement the Penal Code.

76. The enjoyment of the freedom of human rights laid down in the Constitution can be limited by the Constitution itself, and in cases where the public order is jeopardized. Individuals are not entitled to impede others in their enjoyment of human rights.

77. Most of the human rights instruments are incorporated in the national legislation, for example three proposals have been prepared regarding the rights of the child and one concerning the elimination of discrimination based on sex.

78. There is a National Institution for Human Rights (the N.I.M.), a semi-governmental body. In addition to the N.I.M. there are several other non-governmental organizations operating in the field of human rights as well.

79. The Suriname Government recognizes the need to fulfil its reporting obligations, based on the importance it attributes to the promotion of and respect for human rights. Thus, the fact that the Government has not been able to present the required reports should not be attributed to a neglect of its responsibilities, but merely to a lack of trained and experienced reporting officers in the country. In order to solve this problem and guarantee continuous reporting, initiatives have been taken by the Government to organize on short term - with external assistance - a training course for reporting officers in the field of human rights.

80. The Government of Suriname ensures that its institutions are in conformity with the International Bill of Human Rights, as individuals and/or groups have the possibility to go to court if they are of the opinion that their rights have been violated. Suriname is also a party to the Optional Protocol to the International Covenant on Civil and Political Rights and, as such, gives individuals whose rights have been violated the opportunity to submit written communication to the Human Rights Committee. A precondition for this submission is that all nationally available domestic possibilities have been exhausted. Within the Organization of American States individuals are also entitled to file complaints to the Inter-American Commission on Human Rights. The Suriname Government is currently in the stage of establishing a Constitutional Court, which will be authorized to deal with human rights cases.

81. In 1992-1993 a remarkable improvement in the human rights situation has been experienced. In this regard, reference can be made to the annual (1992) report of the Inter-American Commission on Human Rights (OAS), namely to the paragraph on Suriname, in which the following is stated: "in terms of the human rights situation in Suriname the Commission has received no complaints of alleged violations since President Venetiaan assumed office".

82. It should be noted that the Suriname Government attaches great importance to the observance of human rights and fundamental freedoms. In this framework, mention should be made that the policy of the Government is directed towards the consolidation of democracy, peace and the reinforcement of the rule of law. In order to guarantee the full enjoyment of human rights and fundamental freedoms, government policies are also directed towards the establishment of a Constitutional Court, whose task will include the protection of human rights.

83. Since the Peace Accord was signed in August 1992 by all parties involved in the armed conflict, there has been no mention of disappearances of persons belonging to any group. The Government is endeavouring to locate the persons who have been reported missing in the period prior to the signing of the Peace Agreement.

84. Much to its regret, the Suriname Government has been facing a prison-overcrowding problem for several years. A sound implementation of initiatives taken in this regard has been impeded by the lack of necessary funding. The recently (1992) concluded "Umbrella Agreement" signed in the framework of a bilateral treaty with the Government of the Netherlands, opened new opportunities for an effective approach to this problem, as funds and technical assistance will be provided to the competent authorities.

85. Legally, discrimination is prohibited in Suriname; ethnicity does remain strong among all groups, although this does not explicitly affect the nationals of Guyana. The Constitution of the Republic of Suriname, namely article 8 (sects. 1 and 2), provides for the basic individual rights and freedoms of individuals. This article reads as follows:

> "All who are within the territory of Suriname shall have an equal claim to protection of person and property."

"No one may be discriminated against on the grounds of birth, sex, race, language, religion, origin, education, political beliefs, economic position or any other status."

86. With regard to the freedom of movement, it can be stated that Surinamese citizens and other residents may choose their residence and workplace freely, and may travel abroad as they wish. Surinamese may also emigrate without State interference and may return to take up residence at any time. Citizenship is not refused for political reasons.

87. With regard to discrimination against women, reference can be made to article 18 (sections 1 and 2) of the Constitution. Women have a legal right to equal access to education, employment and property. In practice, however, traditional pressures and customs do affect the full exercise of these rights, especially in the economic and social fields.

88. Women account for slightly more than half of the Surinamese population (51 per cent). Boys and girls enjoy equal rights and equal opportunities for education, training and vocational guidance. All schools and training institutions are co-educational. Women account for 43 per cent of total enrolment in university. The low participation of girls (5 per cent) in technical education and their high percentage of participation in the teachers' and nurses' training institutions, as well as in domestic science schools, shows that there are still traditional prejudices against girl students choosing technical professions.

89. As stated above, equality between men and women in the field of employment is guaranteed by the Constitution. The participation of women in the economic sector has increased during the last few years. Between 1986 and 1990 their share in the labour market rose from 32 per cent to 39 per cent. Working women are concentrated in such occupational categories as teaching, service-rendering, crafts, manufacturing and related subsectors which hold elements of the traditional role of women, while they are less represented in the primary sectors of the economy. In order to increase the participation of women in the country's development, especially in the non-traditional social and economic sectors, the Government, through the Ministry of Internal Affairs, is implementing a special programme which involves, among other things, the operation of a National Women's Bureau (since 1983) and an Inter-Ministerial Committee on the Advancement of Women (since 1992), and support to non-governmental women's organizations.

90. Many Bushnegro and Amerindian groups have repeatedly claimed that they are subject to various kinds of discrimination as compared to individuals and groups of the population living in the coastal area. The recently signed Peace Accord between the Government and five insurrectional Bushnegro and Amerindian groups (1992) is considered by both parties as a sound basis to incorporate these groups of the population into the mainstream of development.

VI. INFORMATION AND PUBLICITY

91. No special efforts have been made to promote awareness among the public to disseminate the text of the Convention or to translate it in all languages of the country. However, most government authorities and NGOs are aware of the rights contained in the International Covenant on Economic, Social and Cultural Rights.

92. Human rights teaching in school has not been incorporated so far in the curriculum. Recently an initiative has been taken by the Ministry of Education - in collaboration with a human rights NGO, the Dutch Government and UNESCO - to start human rights teaching in primary and junior secondary schools.